

Financial Director Head Librarian
Town Highway Foreman

On September 5, 1991, the Town, through Robert Tawney of the New Hampshire Municipal Association, filed exceptions based on (1) an alleged lack of community of interest, (2) supervisory relationships, (3) confidentiality, and (4) employees not under the jurisdiction of the selectmen. The specific positions challenged were Parks and Recreation Director, Selectmen's Secretary, Assistant Librarian, Deputy Town Clerk, and Assessor (as a supervisor of a secretary).

This matter was scheduled for hearing before the Board on October 15, 1991.

FINDINGS OF FACT

1. Not at issue or contested in these proceedings are the positions of Town Planner (1), Fire Inspector (1), Building Inspector (1), Bookkeeper (1), Administrative Assistant (1), Secretary (2 of 3, the third being the "Selectmen's Secretary"), and Assistant Town Clerk (1), for a total of nine (9) employees.
2. The tax assessor was claimed to supervise one of the secretaries in the bargaining unit; however, under "Supervision Exercised" in the Assessor's job description (Town Exhibit No. 3) it provides "Exercises technical supervision over clerical personnel." We find no evidence that this has been equivalent to or has risen to the level of "exercising supervisory authority involving the significant exercise of discretion" referenced in RSA 273-A:8, II inasmuch as the supervision was described as "technical" in the job description, not as either general operational or "significant" supervision. Thus, the Assessor is properly included in the unit.
3. The Parks and Recreation Director was claimed to supervise the Recreational Assistant, with hiring or firing decisions reserved to the Town Manager. Under "Supervision Exercised" in the job description of the Parks and Recreation Director it says, "Provides direct supervision of any Town recreational personnel and volunteers, and provides general direction to any Town highway dept. personnel performing parks maintenance. Provides staff assistance to the Recreation Advisory Committee." We find this to be equivalent to the type of direct, routine and "significant" supervision referenced in

RSA 273-A:8, II to the extent the position should be excluded from the unit.

4. One of the three secretaries was described as being a confidential secretary to the Selectmen and may be involved in labor relations matters. Given agreement by the parties at the hearing, the secretary to the selectmen is considered "confidential" under RSA 273-A:1, IX and excluded from the unit.
5. The Assistant Librarian positions are paid by the Town and receive the same benefits as other town employees; however, they are not town employees. Under RSA 202-A:11 they are employees of the Library Trustees and, as such, must be excluded from the unit.
6. The Deputy Town Clerk is appointed under RSA 41:18 by the Town Clerk, an elected official, subject to the approval of the selectmen. While the Town asserted the elected status of the Town Clerk as a basis for excluding the Deputy Town Clerk, we disagree as the Deputy Town Clerk is an appointee whose position is properly included in the unit.

ORDER

After reviewing the petition, exceptions thereto, and the presentations made at hearing, the Board creates a unit consisting of the following positions:

Town Planner (1), Fire Inspector (1), Building Inspector (1), Tax Assessor (1), Bookkeeper (1), Administrative Assistant (1), Recreation Assistant (1), Secretary - except secretary to the Selectmen (2), Deputy Town Clerk (1), and Assistant Town Clerk (1).

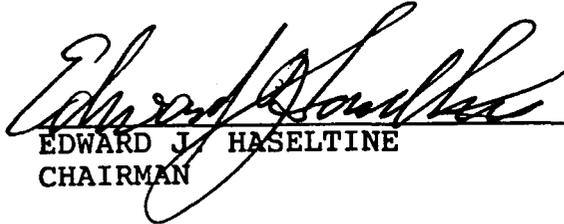
Excluded by decision or agreement:

Financial Director, Head Librarian, Highway Foreman, Assistant Librarian, Parks & Recreation Director and Secretary to Selectmen.

An election will be held by PELRB in accordance with RSA 273-A:10 and PELRB Rules and Regulations as expeditiously as possible.

So ordered.

Signed this 22nd day of January, 1992.


EDWARD J. HASELTINE
CHAIRMAN

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and Richard E. Molan, Esq. present and voting.